

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CROSSFIT, INC.,

Plaintiff,

v.

360 FITNESS SUPERSTORE, et al.,

Defendants.

No. C 14-00901 JSW

**ORDER DENYING MOTION TO  
DISMISS AND TO STRIKE AS  
MOOT AND VACATING  
HEARING**

**(Docket No. 16)**

On June 2, 2014, Defendant and Counterclaimant filed a response to Plaintiff's motion to dismiss and to strike the counterclaim (Docket No. 16), which is scheduled for a hearing on June 27, 2014. In that response, Defendant states that it intends to file an amended counterclaim. Defendant shall file its amended counterclaim by no later than June 9, 2014. The Court DENIES, AS MOOT, Plaintiff's motion, and it VACATES the hearing set for June 27, 2014.

**IT IS SO ORDERED.**

Dated: June 4, 2014

  
JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE